

LAUNDERS et al
Application No. 09/623,317
January 8, 2004

REMARKS/ARGUMENTS

The Examiner is thanked for extending the courtesy of an interview with Applicant's representative on November 14, 2003. The Interview Summary mailed December 4, 2003 (discussing the November 14, 2003 interview) states the following: "Applicant was informed that the office action dated 6 OCTOBER 2003 should not have been a final rejection. In addition, the examiner's next office action will be a non-final rejection."

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-17 are pending in this application.

Information Disclosure Statement:

Applicant has filed an Information Disclosure Statement (IDS) herewith. Since the Office Action is "non-final" as indicated by the Interview Summary, entry of the IDS is in order. Applicant therefore respectfully requests consideration of the reference cited on the concurrently filed IDS.

Request to Confirm Receipt of Applicant's Priority Document:

The present application is a national phase filing of international application no. PCT/GB99/00822 designating the U.S. The Notification of Acceptance of Application under 35 U.S.C. §371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed September 15, 2000 expressly acknowledges receipt of the certified priority document. In light of the earlier acknowledgement that the priority document was properly received by the USPTO via WIPO and the PCT process, Applicant respectfully requests that the

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Examiner review the application and confirm that in fact Applicant's priority document has been properly received so as to perfect Applicant's priority claim under 35 U.S.C. §119.

Allowable Subject Matter:

The Office Action indicated that claims 7 and 9 were objected to as being dependent upon a rejected base claim, but would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this Amendment, claims 7 and 9 have been rewritten in independent form including the limitations of the base claim and any intervening claims. Claims 7 and 9 are therefore allowable.

Rejections Under 35 U.S.C. §102 and §103:

Claims 1-3, 6 and 12-15 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Kamel (U.S. '150). Claims 4, 8, 10, 11, 16 and 17 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kamel in view of well known prior art. Applicant respectfully traverses these rejections.

Kamel (U.S. '150) was filed on November 16, 1998 and claims priority from provisional application no. 60/085,525 filed on May 14, 1998. While Kamel (U.S. '150) is a continuation-in-part of U.S. Patent No. 5,937,037 filed on January 28, 1998, Applicant submits that the portions of Kamel (U.S. '150) relied upon in the rejection of claims 1-6, 8 and 10-17 are not supported by parent U.S. Patent No. 5,937,037.

Applicant thus submits that the earliest possible effective "prior art" date of the relied

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upon portions of Kamel is no earlier than May 14, 1998 with respect to the present invention.

The present application is entitled to priority rights based on European application no. 98302396.1 which was filed on March 27, 1998 (i.e., before the November 16, 1998 filing date of Kamel (U.S. '150) and the May 14, 1998 filing of provisional application no. 60/085,525 from which Kamel (U.S. '150) claims priority). As noted above (see the discussion regarding Form PCT/DO/EO/903), the certified priority document was timely filed via the PCT proceedings and Applicant's international application and receipt thereof has been acknowledged by the USPTO. Accordingly, it is believed that Applicant has perfected its foreign priority claim under 35 U.S.C. §119 and that those portions of Kamel (U.S. '150) relied upon in the rejection of the claims is therefore not "prior art" with respect to the present application. It is therefore not believed necessary at this time to discuss the technological deficiencies of this document and hence the combination of this document with "well known prior art." Applicant therefore respectfully requests that the rejection of claims 1-6, 8 and 10-17 be withdrawn.

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Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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